

E. Testimony of the Accused

As with the testimony of a cooperating witness, courts agree that the testimony of an accused who has an interest in the resolution of the allegations made against him must also be viewed with caution. Here too, caution does not equate with disregard and the courts agree that an accused's testimony is competent and may be credited by a finder-of-fact.

Thus, while "[t]he fact that [a witness] is a defendant does not condemn him as unworthy of belief, . . . at the same time it creates an interest greater than that of any other witness, and to that extent [it] affects the question of credibility. It is therefore a matter properly to be suggested by the court to the jury."³³⁰ Accordingly courts generally agree that, while it is not mandatory, it is "not improper for [a] district court, in instructing the jury about [a] defendant's credibility as a witness, to point out [the] defendant's vital interest in the outcome of the case."³³¹ Typical of such instructions is one reminding the jury of a defendant's "very keen personal interest in the result of your verdict."³³²

³³⁰ Reagan v. United States, 157 U.S. 301, 305 (1895).

³³¹ United States v. Firgurski, 545 F.2d 389, 392 (4th Cir. 1976); see also United States v. Anderson, 642 F.2d 281, 286 (9th Cir. 1981).

³³² United States v. Ylda, 643 F.2d, 348, 352 (5th Cir. 1981); see also United States v. Stout, 601 F.2d 325, 329 (7th Cir. 1979) (accused has a "vital interest in the outcome of his trial"), cert. denied, 444 U.S. 979 (1980); United States v. Vega, 589 F.2d 1147, 1154 n.6 (2d Cir. 1978) (accused's "deep